

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 751

Introduced by Senator Karnette

February 21, 2003

An act to amend Section 13975 of the Government Code, *and to amend Sections 2100, 2109, and 23251 of the Vehicle Code*, relating to ~~state agencies~~; *the Department of the California Highway Patrol*.

LEGISLATIVE COUNSEL'S DIGEST

SB 751, as amended, Karnette. ~~State agencies: Business, Transportation and Housing Agency~~ *California Highway Patrol*.

Existing law establishes the *Department of the California Highway Patrol* in the Business, Transportation and Housing Agency in state government. *Under existing law, the commissioner of the department is required to organize the department and classify its work with the approval of the agency and the Governor.*

This bill would ~~make a technical, nonsubstantive change in these provisions~~ *instead make the department a part of the office of the Governor and would no longer require the agency's approval to organize the department and classify its work.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13975 of the Government Code is
- 2 amended to read:
- 3 13975. The Business and Transportation Agency in state
- 4 government is hereby renamed the Business, Transportation and

1 Housing Agency. The agency consists of the Department of
2 Alcoholic Beverage Control, ~~the Department of the California~~
3 ~~Highway Patrol~~, the Department of Corporations, the Department
4 of Housing and Community Development, the Department of
5 Motor Vehicles, the Department of Real Estate, the Department of
6 Transportation, the Department of Financial Institutions, the
7 Department of Managed Health Care, the Stephen P. Teale
8 ~~Consolidated~~ Data Center; and the California Housing Finance
9 Agency is also located in the Business, Transportation and
10 Housing Agency, as specified in Division 31 (commencing with
11 Section 50000) of the Health and Safety Code.

12 *SEC. 2. Section 2100 of the Vehicle Code is amended to read:*

13 2100. There is in the ~~Business, Transportation and Housing~~
14 ~~Agency~~ office of the Governor; the Department of the California
15 Highway Patrol.

16 *SEC. 3. Section 2109 of the Vehicle Code is amended to read:*

17 2109. The commissioner shall organize the department with
18 the approval of the Governor ~~and the Secretary of the Business,~~
19 ~~Transportation and Housing Agency~~ and may arrange and classify
20 the work of the department and may, with the approval of the
21 Governor ~~and the Secretary of the Business, Transportation and~~
22 ~~Housing Agency~~, create or abolish divisions thereof.

23 *SEC. 4. Section 23251 of the Vehicle Code is amended to read:*

24 23251. (a) The Department of the California Highway Patrol
25 shall provide for proper and adequate policing of all toll highways
26 and all vehicular crossings to ensure the enforcement ~~thereon~~ of
27 this code and of any other law relating to the use and operation of
28 vehicles upon toll highways, highways or vehicular crossings, and
29 of the rules and regulations of the Department of Transportation
30 in respect thereto, and to cooperate with the Department of
31 Transportation ~~to the end~~ so that vehicular crossings ~~be~~ *are*
32 operated at all times in a manner as to carry traffic efficiently. The
33 authority of the Department of the California Highway Patrol is
34 exclusive except as to the authority conferred by law upon the
35 Department of Transportation in respect to vehicular crossings.

36 (b) Notwithstanding subdivision (a), a private operator of a toll
37 highway may make temporary arrangements, not to exceed 30
38 days, for traffic law enforcement services with an agency that
39 employs peace officers as described in Section 830.1 of the Penal
40 Code, if the Department of the California Highway Patrol cannot

1 fulfill its responsibilities as described in this section, as determined
2 by the ~~Secretary of the Business, Transportation and Housing~~
3 ~~Agency office of the Governor~~.

4 (c) The services provided by the Department of the California
5 Highway Patrol for all toll highways that are operated by a private
6 entity shall be reimbursed pursuant to Section 30809.1 of the
7 Streets and Highways Code. If the private operator of a toll
8 highway and the Department of the California Highway Patrol
9 reach an impasse in negotiating an agreement for reimbursement,
10 the ~~Secretary of the Business, Transportation and Housing~~
11 ~~Agency office of the Governor~~ shall assist in resolving the
12 impasse.

